G R S App [X 4]

1943-44 (ml)

ml File No 136-43

Previous References

Serial Nos 1 & 2

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos 2

Part B for Nov '43

SUBJECT

Elegibility of detenus to vote - in the ensuing elections at Channarayapatna

To the Dy Commr Hassan
L 4691 & 4/11/43

Directs that the detenus are elegible to vote under the circumstances.

4/12

2475
1

Letter No NLC 1380/43 dt 20.10.43 from the Dy
Hassan Dist Seeking for instructions re the eligibility
persons kept in detention under the Defence of India R
but released on parole for a month or two & Returning
NL Members.

Re the D.C Hassan Dist States That the Returning
Officer of the Channarayapatna Minor Mul C
has sought for instructions regarding th
eligibility of detenues Released on parole t
vote in the Minor Municipality elections

2. Release a prisoner on parole is to
Confer on him all the rights & privileges
which were suspended in view of his imprisonment
Hence the detenues, under the Defence of India
Rules, Released on parole may be treated
as entitled to vote in Mul elections

3 Protection Bar, on the legal aspect of
the question, may be Consulted

4 The NL Comm: Bangalore
had sought under Sec 20
a number from the Deputy Commr NL
put up that file at once Consult me

25.10.43

Submitted to the Reserved file as Instructed herein

Kind - notice is invited to
Sec 7 of the Mysore Act
of 1933 - according to which
Every person who has completed
21 years of age shall be

residing in the UK for a period of not less than six months prior to the date of election shall be entitled to vote at an election of members of the Council"

The Dominion Governments were informed with respect to the method of elections to be held for the reconstitution of Commonwealth Governments, whether detainees who have come into the area for a period of one month or those during their release on parole might be considered as being entitled to the vote at the election of Councillors

& this for orders of the same reply as was given to the Union Office may be sent on the linked file, may be sent to the Dominion Governments their Governments may be consulted

Yours very

Dear [illegible] 1918

SECY

OFFICE OF THE MINISTER FOR L & G & P H
Date 26 10 43
No 2614

WD 1140—GPB—50 000—5-11 4.

27 10 43

Eligibility of detenues to vote in municipal elections

Continuation Sheet | File No / Current No | of | Page

1. Regulations enabled detainees to vote. The detenues are permanent residents of the place and may cannot be considered to have been residing in the Municipality when they are compulsorily detained. Hence their names need not be included in the voters list.

2. But whether they can be allowed to vote may depend upon the terms of release on parole.

This question will be considered in the protection branch

Cus 27-10-43

Cus 27 10 43

Send it to protection

Cus 27-10-43

Asst Reg. Protection

27/10/43

OFFICE OF THE MINISTER FOR L S G & P H
Date 27 10 43
No 2665

29 OCT 1942 SECRETARIAT

Detenues are released on parole generally on condition that they shall not take part in any subversive activities - Govt such duties, during their parole period. Their voting at the municipal elections is not an activity of that category and [redacted] does

EN/1

Continuation Sheet | File No / Current No | of | Page

that persons who have actually exercising the right to Vote at the election Detenues on parole may therefore be allowed to Vote

Detenues on parole are not prevented by any law from Voting at an election, unless the terms of their parole prevent them from doing so. If any contravention of such a condition has actually participates in the election, his Vote will not become Void, but he will only incur the penalty for infringement of the terms of parole, which under the Defence of India Rules are not provided for, since those Rules do not recognise any releases on parole.

Law Secy

A reply may be sent accordingly

Asst to Secy
L S G with Co

Draft letter attached

2/11/43

In the event of any reply is put up.

2/11/43

To, The D C Hassan

2/11/43

46 WD 1140—GPB—50 000—5-11-42

states in the circumstances stated that the votes are valid

MC 136-43-1

MC 136/43

Office of the Deputy Commissioner,
Lahore District,
Dated Camp Kharli, the 20th Oct 43

GEN & PUB SECT
24755
25 OCT 1943

To

L. S. Darling, Esq., I.C.S.,
Deputy Commissioner, Lahore.

C. Muhammad Ismail, Esq., B.A., B.L.,
Secretary to Government, Law Department, Punjab

Sir,

I have the honour to state that the President and the Returning Officer of Chiniot Municipal Council have applied for instructions as to whether a person, who, having been detained under the Defence of India Rules, come and resides in the town for a period of one month or two during the period of their release on parole, are to be treated as being entitled to vote at an election of the Municipal Councillors.

2. Under Section 7 of the Punjab Municipal Election Act, only persons who have been residing in the Municipality for a period of not less than six months prior to the date of the election shall be entitled to vote at such an election.

3. In view of this section, it is doubtful whether the persons referred to in para one above, are entitled to vote as they have not resided for not less than six months prior to the date of election within the municipal area.

In the circumstances, I request that instructions of Government in the matter may kindly be obtained early and communicated for further action.

5. As the last date for the publication for the final list of voters in Chiniot Municipality according to the calendar of events fixed for the ensuing general elections is still the Government, I have instructed the Public and Returning Officer of the Municipality to

3/25/43

to [illegible] such [illegible] the electoral
[illegible] final order of Government in the matter

I have the honour to be,
Sir,
Your most obedient servant,

Deputy Commissioner,
[illegible] District

L 4691

The 4th Novr 1943

Law Department

The Deputy Commissioner
Hassan District

Sir,

With reference to your letter No M1 C 1380/43 dated 20th October 1943 soliciting instructions as to whether the detenues under the Defence of India Rules, who are released on parole for a short period, may be permitted to vote in the ensuing Municipal election at Chennarayapatna, I am directed to state that the detenues are permanent residents of the place and they cannot be considered as not to have been residing in the Municipal area when they are compulsorily detained Their names may therefore be included in the Voters' list further a detenu on parole is not prevented by any law from voting at an election, unless the terms of the parole prevent him from doing so If, in contravention of such a condition, ~~his vote will not become void~~ he actually participates in the election, his vote will not become void

I have the honour to be,
Sir,
Your most obedient servant,

for Secretary to Government
Law Department

No G 2

Appendix F G —1]

SUBJECT

I Chrs?

Section ML

File No 136-43

Serial No 9

Diary No of letter replied to

No 14691

General and Revenue Secretariat

( )

the *194*

To

The D C Hassan Dt

Sir,

Date of issue 4/11

Signed by Mr. G/RR

With reference to your letter No MC c 1380/43 dt 20 10 43 soliciting instructions as to whether the detenues under the Defence of India Rules, who are ~~left-on~~ released on parole for a short period, may be permitted to vote in the ensuing municipal election at Chennai Anaipakkam, I am directed to state that a detenue on parole is not prevented by any law

List of enclosures

Codied by

7.5.44 11 AD

If the detenus are permanent residents of the place and they cannot be considered as not to have been resident in the ML area when the original detenus their names may therefore be included in the Voters list. Further P T O

examined by

WD 04161—GPB—60 000—24 10 41

from voting at an election, unless the terms of the parole prevent him from doing so. If, in contravention of such a condition, he actually participates in the election, his vote will not become void, but he will only incur the penalty for infringement of the terms of parole, which under the Defense of Indiana Rules, are not provided for, since those Rules do not recognize any releases on parole.

Sincerely

[signature]

Secretary, Law Dept.